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EXAMINER

NGUYEN, DUSTIN

ART UNIT

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2154

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/601,281

**Applicant(s)**

SALMENKAITA, JUKKA-PEKKA

**Examiner**

DUSTIN NGUYEN

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-46 are presented for examination.

***Response to Arguments***

2. Applicant's arguments filed 05/19/2008 have been fully considered but they are not persuasive.
3. As per remarks, Applicants' argued that (1) Sato fails to disclose or suggest the notifications are distinct from the communication action.
4. As to point (1), Examiner respectfully disagrees. Sato discloses defining communication actions associated with a notification method and sending at least one communication action of the defined communication actions to a far-end party [ i.e. a data distribution process that performs by a conference host, in which the conference host performs a communication test using a packet of a small amount with all data requesters and distributes data to the data requester in the position to be the shortest time as the result of a communication test, and this data requester becomes a mirror of the data distributing source of the conference host ] [ Figure 13; Abstract; col 10, lines 39-51; and col 10, lines 55-col 11, lines 7 ], and sending notifications in response to the at least one communication action to target devices [ i.e. the conference host informs or sends the IP address of the mirror data requester to all other data requesters ] [ col 10,

lines 51-54; and col 11, lines 7-10 ], wherein said notifications are distinct from said at least one communication action [ i.e. sending or informing the address of mirror data requester to all other data requesters is distinct from the distribution of data from the conference host to the data requester in the position to the shortest time as the result of a communication test ] [ col 2, lines 43-52; and col 11, lines 1-10 ]. Therefore, the claims remain rejected and the claimed limitation as written, unpatentable over the cited prior art.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4, 6, 8, 11, 12, 15-17, 19, 23-26, 30, 31, 33, 35, 37, 38, 40, 42, 45 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al. [ US Patent No 7,167,898 ].

7. As per claim 1, Sato discloses the invention as claimed including a method comprising:  
defining at least one communication group and members of said groups in a personal communication device operable in a telecommunication network [ i.e. select peer machines to participate in the conference ] [ Figures 4, 6 and 7; col 6, lines 29-col 7, lines 5; and col 7, lines 27-48 ],

defining communication actions associated with a notification method [ i.e. data distribution process ] [ Figures 13-15; and col 10, lines 27-54 ],

sending at least one communication action of the defined communication actions to a far-end party by the personal communication device [ i.e. the conference host distributes data to the data requester in the position to be the shortest time ] [ Figure 13; and col 11, lines 1-7 ],

identifying a communication group of said at least one communication group having the far-end party of the at least one communication action as a member [ S1-S4, Figure 13; and col 10, lines 55-col 11, lines 1 ], and

sending notifications in response to the at least one communication action to target devices, that have members that belong to said identified communication group [ i.e. after the distribution of data, remaining conferee peer machines are informed that the data distributed conferee peer machine is a mirror of the remaining conferee peer machines ] [ S5, Figure 13; Abstract; col 11, lines 7-10; and col 15, lines 33-35 ], wherein said notification are distinct from said at least one communication action [ i.e. sending or informing the address of mirror data requester to all other data requesters is distinct from the distribution of data from the conference host to the data requester in the position to the shortest time as the result of a communication test ] [ col 2, lines 43-52; and col 11, lines 1-10 ].

8. As per claim 2, Sato discloses a step of constructing an address table of target devices from a plurality of communication group member lists, said lists comprising the far-end party of the communication action as a member [ i.e. plurality of addresses ] [ col 3, lines 31-36 ].

9. As per claim 4, Sato discloses a step of receiving notification messages from other devices [ col 10, lines 60-63 ].
10. As per claim 6, Sato discloses a step of notifying said target devices on behalf of said far-end party [ col 11, lines 7-10 ].
11. As per claim 8, Sato discloses wherein said identification of actions is based on a predefined list of communication actions triggering the sending of notifications [ i.e. algorithm for distributing data ] [ col 10, lines 39-54 ].
12. As per claim 11, Sato discloses wherein said notification is sent over a connection utilizing Internet Protocol, version 6 [ col 1, lines 18-22 ].
13. As per claim 12, Sato discloses wherein said communication action is one of the following: initiating a call, answering a call, sending a message, receiving a message, or reading a received message [ Figure 13; and col 10, lines 55-col 11, lines 34 ].
14. As per claim 15, Sato discloses a step of contacting a server for acquiring or updating communication group definitions [ col 1, lines 24-37; and col 8, lines 46-col 9, lines 26 ].

15. As per claim 16, it is rejected for similar reasons as stated above in claim 1. Furthermore, Sato discloses the associations of profiles with actions [ i.e. select application to be shared ] [ Figure 6; col 7, lines 27-48; and col 13, lines 37-54 ].

16. As per claim 17, it is rejected for similar reasons as stated above in claim 2.

17. As per claim 19, it is rejected for similar reasons as stated above in claim 4.

18. As per claim 23, it is rejected for similar reasons as stated above in claim 11.

19. As per claim 24, it is rejected for similar reasons as stated above in claim 12.

20. As per claim 25, Sato discloses wherein said action is accessing a service [ i.e. share application ] [ col 13, lines 22-37 ].

21. As per claim 26, Sato discloses wherein said action is part of a procedure for accessing the Internet [ Figure 10; and col 8, lines 46-col 9, lines 25 ].

22. As per claim 30, it is rejected for similar reasons as stated above in claim 15.

23. As per claim 31, it is rejected for similar reasons as stated above in claim 1.

- 24. As per claim 33, it is rejected for similar reasons as stated above in claim 4.
- 25. As per claim 35, it is rejected for similar reasons as stated above in claim 6.
- 26. As per claim 37, it is rejected for similar reasons as stated above in claim 16.
- 27. As per claim 38, it is rejected for similar reasons as stated above in claim 2.
- 28. As per claim 40, it is rejected for similar reasons as stated above in claim 8.
- 29. As per claim 42, it is rejected for similar reasons as stated above in claim 11.
- 30. As per claim 45, Sato discloses at least two devices arranged to communicate with each other [ Figures 1 and 2; and col 5, lines 60-col 6, lines 5 ].
- 31. As per claim 46, it is rejected for similar reasons as stated above in claim 1.

***Claim Rejections - 35 USC § 103***

- 32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person



having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. Claims 3, 5, 7, 9, 18, 20, 21, 27, 32, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. [ US Patent No 7,167,898 ], in view of Ozzie et al. [ US Patent No 6,640,241 ].

34. As per claim 3, Sato does not specifically disclose wherein each address appears not more than once in said constructed address table. Ozzie discloses wherein each address appears not more than once in said constructed address table [ i.e. unique address ] [ col 7, lines 61-64 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato and Ozzie because the teaching of Ozzie would enable distributed computer-based system for coordinating and otherwise maintaining data pursuant to a distribute data model [ Ozzie, col 1, lines 25-28 ].

35. As per claim 5, Ozzie discloses wherein a user presence database stored in said personal communications device is updated based on received notification data [ col 18, lines 6-18 ].

36. As per claim 7, Ozzie discloses wherein said notifications comprise presence information of said far-end party [ i.e. presence mechanism ] [ Abstract; and col 15, lines 28-37 ].

37. As per claim 9, Ozzie discloses wherein said notifications comprise one of the following: sounds to be played by said target devices, textual information, or visual symbols associated

with said communication groups [ i.e. displaying the move on the chess board ] [ col 15, lines 9-17 ].

38. As per claim 18, it is rejected for similar reasons as stated above in claim 3.

39. As per claim 20, it is rejected for similar reasons as stated above in claim 5.

40. As per claim 21, it is rejected for similar reasons as stated above in claim 9.

41. As per claim 27, Ozzie discloses wherein said action is switching the user profile [ Figure 5; and col 13, lines 9-37 ].

42. As per claim 32, Ozzie discloses associate said identified actions with at least one communication group by retrieving the communication group membership information of the far-end party involved in said action from the database stored in said personal communication device [ col 18, lines 6-18 ].

43. As per claim 34, it is rejected for similar reasons as stated above in claim 5.

44. As per claim 36, it is rejected for similar reasons as stated above in claim 7.

45. Claims 10, 22, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. [ US Patent No 7,167,898 ], in view of Toth et al. [ US Patent Application No 2005/0053068 ].

46. As per claim 10, Sato does not specifically disclose wherein said notification is short message service or multimedia messaging service message. Toth discloses wherein said notification is short message service or multimedia messaging service message [ paragraphs 0048 and 0071 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato and Toth because Toth's teaching would provide an efficient utilization of scarce and expensive network resources in wireless networks [ Toth, paragraphs 0117-0121 ].

47. As per claim 22, it is rejected for similar reasons as stated above in claim 10.

48. As per claim 39, Sato does not specifically disclose which is a GSM or UMTS terminal. Toth discloses which is a GSM or UMTS terminal [ paragraphs 0014 and 0016 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato and Toth because Toth's teaching would provide an efficient utilization of scarce and expensive network resources in wireless networks [ Toth, paragraphs 0117-0121 ].

49. As per claim 41, it is rejected for similar reasons as stated above in claim 10.

50. Claims 13, 14, 28, 29, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. [ US Patent No 7,167,898 ], in view of Denman et al. [ US Patent No 7,170,863 ].

51. As per claim 13, Sato does not specifically disclose a step of adding a new member to a communication group upon receiving a notification associated with the communication group from a person previously not belonging to said communication group. Denman discloses a step of adding a new member to a communication group upon receiving a notification associated with the communication group from a person previously not belonging to said communication group [ i.e. join group ] [ Figure 6; and col 16, lines 48-64 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato and Denman because Denman's teaching would allow to maintain and manage users for proper communication within user's group.

52. As per claim 14, Sato does not specifically disclose step of removing at least one member from the communication group. Denman discloses step of removing at least one member from the communication group, which member has not been active for a predetermined time limit [ i.e. remove user ] [ Figure 9; and col 21, lines 21-62 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Sato and Denman because Denman's teaching would allow to maintain and manage users for proper communication within user's group.

53. As per claims 28 and 29, they are rejected for similar reasons as stated above in claims 13 and 14.

54. As per claims 43 and 44, they are rejected for similar reasons as stated above in claims 13 and 14.

55. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/  
Examiner, Art Unit 2154